

E-FILED: January 10, 2012

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DANIEL L. BALSAM,

No. C06-04114 JF (HRL)

Plaintiff,

**ORDER GRANTING JUDGMENT
CREDITOR'S MOTION FOR LEAVE TO
SERVE DISCOVERY**

v.

ANGELES TECHNOLOGY, INC., et al.,

[Re: Docket No. 104]


Defendants.

Judgment creditor Daniel L. Balsam moves for leave to conduct discovery concerning judgment debtor Angeles Technology, Inc. (Angeles). Specifically, Balsam would like to serve a Fed. R. Civ. P. 45 subpoena duces tecum on one Cynthia Reed (Angeles' reported officer) to determine Angeles' assets, the company's ownership, and to see "whether [the company] was sufficiently capitalized to satisfy the judgment in this action." (Walton Decl. ¶ 4). The matter is deemed suitable for determination without oral argument, and the January 17, 2012 hearing is vacated. Civ. L.R. 7-1(b). Upon consideration of the moving papers, the motion is granted. See FED. R. CIV. P. 69(a)(2); Ryan Investment Corp. v. Pedregal de Cabo San Lucas, No. C06-3219 JW (RS), 2009 WL 5114077 at *1 (N.D. Cal., Dec. 18, 2009) (under Fed. R. Civ. P. 69, a party may use any means of discovery allowable under the Federal Rules of Civil Procedure). By issuing this order, however, this court does not intend to foreclose any valid objection that may be raised in connection with the subpoena and Balsam's discovery requests. Additionally,

1 insofar as the subpoena target apparently is located in Nevada, this court believes that Balsam's
2 proposed subpoena should be amended to indicate that it is being issued from the District of
3 Nevada, not the Northern District of California.

4 SO ORDERED.

5 Dated: January 10, 2012

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8 HOWARD R. LLOYD
9 UNITED STATES MAGISTRATE JUDGE
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